

Thomas M. McInerney, CA Bar No. 162055  
tmm@ogletree.com

Brian D. Berry, CA Bar No. 229893  
brian.berry@ogletree.com

Lisa M. Bowman, CA Bar No. 253843  
lisa.bowman@ogletree.com

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
Steuart Tower, Suite 1300  
One Market Plaza  
San Francisco, CA 94105  
Telephone: 415.442.4810  
Facsimile: 415.442.4870

A. Craig Cleland, *pro hac vice*  
craig.cleland@ogletree.com  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
191 Peachtree St., NE., Suite 4800  
Atlanta, GA 30303  
Telephone: 404.881.1300  
Facsimile: 404.870.1732

Elizabeth A. Falcone, CA Bar No. 219084  
elizabeth.falcone@ogletree.com  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
The KOIN Center  
222 SW Columbia Street, Suite 1500  
Portland, OR 97201  
Telephone: 503.552.2166  
Facsimile: 503.224.4518

Attorneys for Defendant  
GOOGLE INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

ROBERT HEATH, on behalf of himself

and

CHERYL FILLEKES, on behalf of herself and  
others similarly situated,

Plaintiffs,

v.

GOOGLE INC., a Delaware corporation,

Defendant.

Case No. 5:15-cv-01824-BLF

**[PROPOSED] ORDER RE: DEFENDANT  
GOOGLE INC.'S RULE 12 MOTION TO  
DISMISS PLAINTIFFS' ADEA  
DISPARATE IMPACT CLAIM WITH  
PREJUDICE**

Date: January 18, 2018

Time: 9:00 a.m.

Location: Courtroom 3 – 5<sup>th</sup> Floor

Complaint Filed: April 22, 2015

Trial Date: April 1, 2019

1 On January 18, 2018, at 9:00 a.m., before the Honorable Beth Labson Freeman, Defendant  
2 Google Inc.'s motion to dismiss pursuant to Rule 12(b)(6) and Rule 12(b)(1) of the Federal Rules  
3 of Civil Procedure, came on regularly for hearing. After fully considering the parties' papers and  
4 arguments of counsel, the Court hereby GRANTS the motion to dismiss. Accordingly, the Second  
5 Amended Complaint's disparate impact claim under the Age Discrimination in Employment Act is  
6 dismissed with prejudice.

7  
8 IT IS SO ORDERED.

9  
10 DATED: \_\_\_\_\_

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District Judge Beth Labson Freeman

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